
HOUSE BILL 1842

State of Washington 60th Legislature 2007 Regular Session

By Representatives Kenney, Conway, Campbell, McDonald and Ormsby

Read first time 01/30/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to strengthening requirements governing cosmetology
2 professions; amending RCW 18.16.100 and 18.16.180; reenacting and
3 amending RCW 18.16.175; adding new sections to chapter 18.16 RCW; and
4 repealing RCW 18.16.210.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.16.100 and 2003 c 400 s 5 are each amended to read
7 as follows:

8 (1) Upon completion of an application approved by the department
9 and payment of the proper fee, the director shall issue the appropriate
10 license to any person who:

11 (a) Is at least seventeen years of age or older;

12 (b)(i) Has completed and graduated from a school licensed under
13 this chapter in a curriculum approved by the director of sixteen
14 hundred hours of training in cosmetology, one thousand hours of
15 training in barbering, six hundred hours of training in manicuring, six
16 hundred hours of training in esthetics, and/or five hundred hours of
17 training as an instructor-trainee, or has met the requirements in RCW
18 18.16.020 or 18.16.130; or

1 (ii) Has successfully completed a state-approved apprenticeship
2 training program; and

3 (c) Has received a passing grade on the appropriate licensing
4 examination approved or administered by the director.

5 (2) Any license issued to a person by the department under this
6 section must contain a permanent photograph of the licensee affixed to
7 the license by the department.

8 (3) A person currently licensed under this chapter may qualify for
9 examination and licensure, after the required examination is passed, in
10 another category if he or she has completed the crossover training
11 course.

12 (~~(3)~~) (4) Upon completion of an application approved by the
13 department, certification of insurance, and payment of the proper fee,
14 the director shall issue a location license to the applicant.

15 (~~(4)~~) (5) The director may consult with the state board of health
16 and the department of labor and industries in establishing training,
17 apprenticeship, and examination requirements.

18 **Sec. 2.** RCW 18.16.175 and 2002 c 111 s 11 and 2002 c 86 s 216 are
19 each reenacted and amended to read as follows:

20 (1) A salon/shop or mobile unit shall meet the following minimum
21 requirements:

22 (a) Maintain an outside entrance separate from any rooms used for
23 sleeping or residential purposes;

24 (b) Provide and maintain for the use of its customers adequate
25 toilet facilities located within or adjacent to the salon/shop or
26 mobile unit;

27 (c) Any room used wholly or in part as a salon/shop or mobile unit
28 shall not be used for residential purposes, except that toilet
29 facilities may be used jointly for residential and business purposes;

30 (d) Meet the zoning requirements of the county, city, or town, as
31 appropriate;

32 (e) Provide for safe storage and labeling of chemicals used in the
33 practices under this chapter;

34 (f) Meet all applicable local and state fire codes; and

35 (g) Certify that the salon/shop or mobile unit is covered by a
36 public liability insurance policy in an amount not less than one

1 hundred thousand dollars for combined bodily injury and property damage
2 liability.

3 (2) By January 1, 2008, the department must adopt by rule safety
4 and sanitation procedures and requirements for all salons/shops,
5 personal services, or mobile units, including specific procedures and
6 requirements for all salons/shops, personal services, or mobile units
7 that provide manicure and pedicure services.

8 (3) The director may by rule determine other requirements that are
9 necessary for safety and sanitation of salons/shops, personal services,
10 or mobile units. The director may consult with the state board of
11 health and the department of labor and industries in establishing
12 minimum salon/shop, personal services, and mobile unit safety
13 requirements.

14 ~~((3))~~ (4) Personal services license holders shall certify
15 coverage of a public liability insurance policy in an amount not less
16 than one hundred thousand dollars for combined bodily injury and
17 property damage liability.

18 ~~((4) Upon receipt of a written complaint that a salon/shop or~~
19 ~~mobile unit has violated any provisions of this chapter, chapter 18.235~~
20 ~~RCW, or the rules adopted under either chapter, or at least once every~~
21 ~~two years for an existing salon/shop or mobile unit, the director or~~
22 ~~the director's designee shall inspect each salon/shop or mobile unit.~~
23 ~~If the director determines that any salon/shop or mobile unit is not in~~
24 ~~compliance with this chapter, the director shall send written notice to~~
25 ~~the salon/shop or mobile unit. A salon/shop or mobile unit which fails~~
26 ~~to correct the conditions to the satisfaction of the director within a~~
27 ~~reasonable time shall, upon due notice, be subject to the penalties~~
28 ~~imposed by the director under RCW 18.235.110. The director may enter~~
29 ~~any salon/shop or mobile unit during business hours for the purpose of~~
30 ~~inspection. The director may contract with health authorities of local~~
31 ~~governments to conduct the inspections under this subsection.))~~

32 (5) A salon/shop, personal services, or mobile unit shall obtain a
33 certificate of registration from the department of revenue.

34 (6) This section does not prohibit the use of motor homes as mobile
35 units if the motor home meets the health and safety standards of this
36 section.

37 (7) Salon/shop or mobile unit licenses issued by the department
38 must be posted in the salon/shop or mobile unit's reception area.

1 (8) Cosmetology, barbering, esthetics, and manicuring licenses
2 issued by the department must be posted at the licensed person's work
3 station.

4 **Sec. 3.** RCW 18.16.180 and 1991 c 324 s 16 are each amended to read
5 as follows:

6 (1) The director shall prepare and provide to all licensed
7 salons/shops a notice to consumers. At a minimum, the notice shall
8 state that cosmetology, barber, esthetics, and manicure salons/shops
9 are required to be licensed, that salons/shops are required to maintain
10 minimum safety and sanitation standards, that customer complaints
11 regarding salons/shops may be reported to the department, and a
12 telephone number and address where complaints may be made.

13 (2) The director shall prepare and provide to all licensed
14 salons/shops conducting manicuring or pedicuring a notice to consumers
15 about the use of artificial nails. At a minimum, the notice shall
16 state risks associated with artificial nails. "Artificial nails"
17 includes but is not limited to silk, linen, fiberglass, acrylic, gel,
18 powder, tip extensions, and sculpting.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.16 RCW
20 to read as follows:

21 (1) The director may enter any salon/shop or mobile unit during
22 business hours for the purpose of inspection. The director may
23 contract with health authorities of local governments to conduct the
24 inspections under this subsection. Inspections of each licensed
25 salon/shop or mobile unit shall occur at least once every two years.

26 (2) Upon receipt of a written complaint that a salon/shop or mobile
27 unit has violated any provisions of this chapter, chapter 18.235 RCW,
28 or the rules adopted under either chapter, the director or the
29 director's designee shall inspect each salon/shop or mobile unit.

30 (3) In addition to inspections conducted under subsections (1) and
31 (2) of this section, the director shall conduct additional inspections
32 based on a schedule of risk-based inspections using the following
33 criteria:

- 34 (a) The type and nature of the salon/shop or mobile unit;
- 35 (b) The history of prior safety or sanitation violations at the
- 36 salon/shop or mobile unit;

- 1 (c) The inspection history of the salon/shop or mobile unit;
- 2 (d) The history of complaints involving the salon/shop or mobile
- 3 unit; and
- 4 (e) Any other factor determined by the director by rule.

5 (4) The salon/shop or mobile unit shall pay a fee for each
6 inspection performed under subsection (3) of this section. The
7 director shall set the amount of the fee by rule.

8 (5) If the director determines that any salon/shop or mobile unit
9 is not in compliance with this chapter, the director may assess
10 applicable penalties under this chapter and under chapter 18.235 RCW.
11 The director shall provide written notice to the salon/shop or mobile
12 unit describing the nature of the violation, the penalty to be
13 assessed, and whether the salon/shop or mobile unit has an opportunity
14 to correct the violation. A salon/shop or mobile unit which fails to
15 correct a violation to the satisfaction of the director within thirty
16 days shall, upon due notice, be subject to the penalties imposed by the
17 director under RCW 18.235.110. Correction of a violation only applies
18 to a salon/shop or mobile unit's first violation in any three-year
19 period of any single provision of this chapter, chapter 18.235 RCW, or
20 the rules adopted under either chapter.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.16 RCW
22 to read as follows:

23 If the director finds that any salon/shop or mobile unit has hired
24 or employed a person to perform or engage in a practice prohibited
25 under RCW 18.16.060 without that person first obtaining, and
26 maintaining in good standing, the license required by this chapter, the
27 director must impose applicable penalties under this chapter and
28 chapter 18.235 RCW, including an initial fine of not less than one
29 thousand dollars for each person who the salon/shop or mobile unit
30 hires or employs to engage in unlicensed practice and, for any repeat
31 violations, the maximum fine for each person who the salon/shop or
32 mobile unit hires or employs to engage in unlicensed practice.

33 NEW SECTION. **Sec. 6.** RCW 18.16.210 (Violations--Penalties) and
34 2002 c 111 s 13 & 1984 c 208 s 14 are each repealed.

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